



## **Board of Zoning Appeals**

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

**NOVEMBER 5, 2018**

**9:30**

**Calendar No. 18-225:**

**13528 Miles Avenue**

**Ward 1**

**Joseph T. Jones**

**21 Notices**

Marvin Butler, owner, proposes to change use from poultry house to auto wrecking/junk yard in a C1 Semi-Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.03 which states that Auto wrecking/junkyard is not permitted.
2. Section 345.04(a)(4) which states that the operation of wrecking or dismantling of motor vehicles, or the storage of motor vehicles, pending wrecking or dismantling, in areas with a minimum area of fifty thousand (50,000) square feet providing such premises is enclosed within a minimum seven (7) foot high solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence. Such wall or fence may have one(1) opening not more than twenty (20) feet in width for street access and may have two (2) such openings if the wall or fence along the street is more than two hundred (200) feet in length. All walls or fences referred to in this chapter shall be neatly constructed, kept in good order and repair; no printing, lettering or advertisement shall be made part of or attached thereto or painted on the outside of the wall or fence, except that a sign located at the entrance to the yard may be provided to identify the yard.
3. Section 349.07(a) which states that accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or other surfacing materials approved by the Director of Building and Housing, maintained in good condition and free of debris and trash. The maximum width of driveway is 30' wide. (Filed October 10, 2018)

**9:30**

**Calendar No. 18-226:**

**12514 Bellaire Rd.**

**Ward 11**

**Dona Brady**

**31 Notices**

Gordon Baugh, owner, proposes to construct a new retail store (Dollar General) in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.07 which states that a 20 foot specific setback is required and a 7.4 foot setback is proposed; the new structure and parking spaces are within the setback along Kadel Ave. and Bellaire Rd. (Filed October 11, 2018)

**9:30**

**Calendar No. 18-227:**

**2215 West 11 Street**

**Ward 3**

**Kerry McCormack**

**16 Notices**

Southside Holding Inc., owner, proposes to construct a parking lot with a modular storage container in a B1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01 which states that a storage container and a dumpster are not permitted as a primary uses in a Local Retail Business District.
2. Section 352.10 which states that a 6' wide landscape strip is required along W. 11 Street where the parking lot abuts street and a 5' wide landscape strip is proposed.
3. Sections 352.08 through 352.11 which state that a 6' wide transition strip is required at the rear where and NE corner of parking lot where parking lot abuts Multi-Family District and a 2' wide transition strip is proposed at the rear and 0' at NE corner.
4. Section 349.08 which states that where five (5) or more accessory off-street parking spaces are provided, and are located on a lot that is adjacent to a Residence District or that adjoins a building containing dwelling units, such parking spaces shall be screened from all adjoining lots in the Residence District or a building containing dwelling units, by an opaque wall, a uniformly painted fence of fire-resistant material or a strip of land at least four (4) feet wide and densely planted with shrubs that form a dense screen year round. Such wall, fence or shrubs shall be at least three (3) feet, but not more than six (6) feet six(6) inches in height. However, such wall, fence or shrubs located within twenty-five (25) feet of the intersection of two (2) or more streets or the intersection of an access driveway and a street, shall have a maximum height of three (3) feet and a minimum height of two (2) feet. The required screening shall be maintained in good condition at all times. (Filed October 11, 2018)

**POSTPONED FROM SEPTEMBER 17, 2018**

**9:30**

**Calendar No. 18-183: 4445 State Rd.**

**Ward 13**

**Kevin J. Kelley**

**23 Notices**

Fred Mason, owner, proposes to establish an 1800 square foot café on the first floor in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.04(f) which states that parking is required at the rate of one space per employee, plus one space for each 100 square feet of floor area. 19 parking spaces required no code compliant parking is provided.
2. 347.07(a) Parking spaces and maneuvering area are required to be paved and drained so that all water is drained within the lot providing such parking spaces and no paving or drainage is proposed. (Filed August 22, 2018-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF CDC TO ALLOW FOR TIME FOR FURTHER REVIEW.*

**REINSTATED FROM OCTOBER 1, 2018**

**9:30**

**Calendar No. 18-195: 16404 Highview Dr.**

**Ward 1**

**Joseph T. Jones**

**16 Notices**

Gary Robinson, owner, proposes to change use from one family dwelling to Type 'A' day care in a One-Family Residential District. The owner appeals for relief from the strict application of Section 337.02(g)(3)(c) which states that in a One Family district Child Care use requires approval from the Board of Zoning Appeals and is required to be 30' from any adjoining premises in residence district not used for a similar purpose. Proposed child care is surrounded by One Family district. (Filed August 31, 2018-No Testimony) *APPELLANT MISSED HEARING AS SHE WAS IN THE HOSPITAL GIVING BIRTH.*

**REINSTATED FROM OCTOBER 8, 2018**

**9:30**

**Calendar No. 18-201: 2825 York Ave.**

**Ward 3**

**Kerry McCormack**

**16 Notices**

Lake City Dev. LLC., owner, proposes to erect a 1,600 square foot single family house with a detached garage on a 5,100 square foot lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

- 1.) Section 357.09(b)(2)(B) which states that in a Two-Family district no interior side yard shall be less than five (5) feet in width for a corner lot, nor less than three (3) feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less

than ten (10) feet. However, the width of any such interior side yard shall in no case be less one fourth (1/4) the height of the main building on the premises. The required side yard is 7'-0" and a 2'-0" side yard is proposed.

2.) Section 357.13(b)(4) which states that an open porch is permitted provided it does not project more than six (6) feet, does not extend within ten (10) feet of the street line and does not aggregate a vertical area in any story more than twenty percent (20%) of the area of the façade in the story. The proposed 16' x 5'-6" porch is within 3'-6" of the street line.

3.) Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed September 12, 2018-No Testimony) *APPELLANT MISSED HEARING ON OCTOBER 8 DUE TO CONFUSION REGARDING THE COLUMBUS DAY HOLIDAY.*

**POSTPONED FROM OCTOBER 8, 2018**

**9:30**

**Calendar No. 18-178:**

**4219 Orchard Ave.**

**Ward 3**

**Kerry McCormack**

**15 Notices**

Pango Real Estate, owner, proposes to erect two attached single family residences with attached garages on an existing lot of record in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the minimum lot area for a single family dwelling in a "B" Area District is 6,000 square feet and the lot area is 5,340 square feet. This section also requires a minimum lot width of 50 feet and 30 feet are proposed. The maximum gross floor area shall not be greater than 50 percent of lot size or in this case 2,670 square feet and the appellant is proposing 4,303 square feet.
2. Section 357.09(b)(2)(B) which states that no interior side yard shall be less than 1/4 the height or in this case 8.3 feet as the height of the building is approximately 34'-7" and 5'-0" are proposed.
3. Section 357.08 which states that the depth of required rear yard shall be not less than the height of the main building and a 30 foot rear yard is proposed.
4. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot and a zero foot side yard is proposed.
5. Section 349.07(c) which states that driveway used to provide accessibility to accessory off street parking spaces shall be arranged to minimize traffic congestion. Requires Traffic Engineering approval.
6. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed August 14, 2018-No Testimony) *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE CITY TO ALLOW FOR TIME FOR DESIGN REVIEW. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE DEVELOPMENT CORPORATION TO ALLOW FOR TIME FOR COMMUNITY REVIEW.*